

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis RODRIGUEZ-Garcia,

Defendant

Magistrate Docket No. 07 NOV 26 AM 9:05

07 MJ 27 28
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **November 25, 2007** within the Southern District of California, defendant, **Jose Luis RODRIGUEZ-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

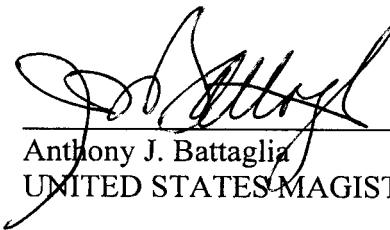
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **26th** DAY OF **November**, **2007**



Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

JM

CONTINUATION OF COMPLAINT:**Jose Luis RODRIGUEZ-Garcia****PROBABLE CAUSE STATEMENT**

At approximately 5:30 a.m. on November 25, 2007, Supervisory Border Patrol Agent D. Parks, responded to the activation of a series of seismic intrusion devices in the Tecate, California area. The southernmost device lies just south of the Border Road, approximately five miles east of the port of entry in Tecate, California. The northernmost device also lies approximately five miles east of the port of entry in Tecate, and lies approximately one quarter mile south of California State Route 94. At approximately 6:00 a.m. Agent Parks positioned himself directly north of that device and scanned the area for movement. Within moments of his arrival, Agent Parks heard the sound of several individuals moving through the brush north and east of his position. Agent Parks ran toward the source of the sound and encountered six individuals that were attempting to conceal themselves in the surrounding brush. Agent Parks identified himself to the individuals as a United States Border Patrol Agent and questioned them as to their citizenship. Each subject, including one later identified as the defendant, **Jose Luis RODRIGUEZ-Garcia**, freely admitted that he or she was a citizen and national of Mexico. Each subject further admitted that he or she was not in possession of any valid immigration documents that would allow him or her to enter or remain in the United States legally. Agent Parks placed all six subjects under arrest and arranged for their transportation to the processing center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 20, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.